

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

MUSCOGEE (CREEK) NATION,
a federally recognized Indian Tribe,

Plaintiff,

vs.

Case No. 23-CV-490-SH

CITY OF TULSA; G.T. BYNUM, in his official
capacity as Mayor of City of Tulsa; WENDELL
FRANKLIN, in his official capacity as Chief of
Police, Tulsa Police Department; and JACK
BLAIR, in his official capacity as City Attorney
for City of Tulsa,

Defendants.

**DEFENDANTS' RESPONSE TO
MOTION TO INTERVENE OF JIMMY GLENN HENDRIX**

The Motion to Intervene by Jimmy Glenn Hendrix should not be ruled upon until the Court rules on the City's Motion to Dismiss filed herein. Doc. 28 (filed Dec. 8, 2023). It appears Mr. Hendrix seeks to challenge his felony conviction wherein he was sentenced after jury trial in the courts of the State of Oklahoma to Murder First Degree and Possession of a Firearm by Convicted Felon. *Hendrix v. Trammell*, 576 F. App'x 767, 768 (10th Cir. 2014). Such challenge is prohibited by the abstention doctrines raised in the Motion to Dismiss. If this Court grants the motion to dismiss, the motion to intervene is moot.

Further, the City has not exercised Major Crimes Act jurisdiction over homicides, and this case therefore does not relate to Mr. Hendrix's case. It also appears Mr. Hendrix seeks to challenge the federal court's jurisdiction over the same crimes, and this is not a proper case in which to lay such challenge.

CONCLUSION

This Court should dismiss the claims and requested relief against all parties as argued by the Defendants in the Motion to Dismiss on the basis of the abstention doctrines. In the alternative, this case should be stayed pending the OCCA's decision in *Stitt*, which would be immediately appealable to the United States Supreme Court, a decision from which would moot this case and be binding on all parties.

Respectfully Submitted,

CITY OF TULSA,
a municipal corporation

JACK C. BLAIR,
City Attorney

BY:



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CERTIFICATE OF MAILING

I, Becky Johnson, hereby certify that on the 11th day of June, 2024, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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